

# City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A267.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to permit a driveway proposing:

1. A driveway width of 11.61m (approx. 38.09ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance; and,
2. A driveway hammerhead length of 8.25m (approx. 27.07ft) whereas By-law 0225-2007, as amended, permits a maximum driveway hammerhead length of 3.00m (approx. 9.84ft) in this instance.

## Background

**Property Address:** 1384 Haig Blvd

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-75- Residential

**Other Applications:** None

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of Haig Boulevard and South Service Road. The immediate area consists entirely of one and two storey detached dwellings with mature vegetation. The subject property contains an existing one-storey dwelling with minimal vegetation in the front yard.

The applicant is requesting to legalize an existing driveway requiring variances for driveway width and hammerhead length.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context. The existing dwelling conforms to the designation, however staff are concerned that the proposed widened driveway would not be compatible with the surrounding context and the character area. Staff is of the opinion that the intent of the official plan is not maintained.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variances #1 and #2 pertain to driveway width and hammerhead length respectively. The intent of limiting driveway widths is to only permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. The intent of the hammerhead provisions are to permit a hammerhead large enough to allow for vehicles to turn around on the subject property, but not accommodate vehicular parking on the hammerhead.

Based on the drawings submitted, there is a continuous hard surface which includes the existing asphalt driveway, the existing hammerhead and a raised concrete pavement with a total width +/-19.2m (+/-62.99ft). Section 4.1.9.2 of the Mississauga Zoning By-Law states that any hard surface area used or accessible for the purpose of parking a motor vehicle shall be included in the driveway width calculation. The hammerhead dimensions are excessive and provide space for parking in this instance. Therefore, staff note that the variance for a driveway width of 11.61m (38.09ft) appears to be incorrect.

The subject property has a frontage of +/- 23.04m (75.59ft). The proposed driveway would cover more than 83.33% of the front yard area. While Planning staff are not in a position to interpret the by-law, staff also note that the applicant may require a variance for minimum soft landscaping in the front yard, which would not be supported by Planning Staff. It is also noted that the driveway width can accommodate more vehicles across than the maximum permitted 3 vehicles, contrary to the intent of the by-law.

Transportation and Works (T&W) staff are not supportive of the excessive hard surface as proposed, and have identified concerns regarding drainage as noted in their comments below.

Staff echo these concerns and note that the proposed variances do not maintain the general intent and purpose of the zoning by-law.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that, as currently proposed, the driveway does not meet the general intent or purpose of the zoning by-law and is not minor in nature. The variances create a significant amount hardscaping, making the driveway the predominant feature of the front yard. Staff are of the opinion that due to drainage concerns identified by T&W staff, along with a significant reduction in soft landscaping, this proposal represents an undesirable development of the subject lands. Staff therefore recommend that the application be refused.

Comments Prepared by: Shivani Chopra, Planner in Training

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the existing concrete and asphalt hard surface driveway on site. This Department cannot support the amount of hard surface existing on site.

As you will see from the pictures, most of the lot frontage is either asphalt or concrete. There is a substantial low area along the south side of the lot adjacent to 1378 Haig Boulevard next to a tree where some sort of drain has been installed. We have no records or knowledge of any drain in this area. The surface drainage will collect in this location and not have a proper outlet.

























Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Candice Williams, Zoning Examiner

**Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner